

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LaMARR EUGENE BLACK, SR.,)
)
Plaintiff,)
)
vs.) Case No. CIV-08-1351-F
)
KEVIN WOODARD, LOGAN)
COUNTY JAIL and JESSIE RITCHIE,)
)
Defendants.)

ORDER

Plaintiff LaMarr Eugene Black, Sr., a state prisoner¹ appearing *pro se* and whose pleadings are liberally construed, brings this action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights at the Logan County Jail.

Plaintiff has objected to the April 28, 2009 Report and Recommendation of Magistrate Judge Robert E. Bacharach, in which Magistrate Judge Bacharach recommends that defendants' motion to dismiss be granted for failure to exhaust administrative remedies. (Objections at doc. no. 25; Report at doc. no. 24; defendants' motion to dismiss at doc. no. 19.)

As required by 28 U.S.C. §636(b)(1), the court has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff's objections, the record, and the relevant authorities, the court finds that it agrees with the Report and Recommendation of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

¹Plaintiff is no longer incarcerated, but he was incarcerated at the time he filed suit. *See*, defendants' moving brief, doc. no. 19, n.2.

Accordingly, plaintiff's objections to the Report and Recommendation of Magistrate Judge Bacharach are **DENIED**, and the Report and Recommendation is **ACCEPTED, ADOPTED**, and **AFFIRMED** in its entirety. The motion to dismiss of defendants Kevin Woodard, Logan County Jail and Jessie Ritchie is **GRANTED**. This action is **DISMISSED** without prejudice for failure to exhaust administrative remedies.

Dated this 8th day of June, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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